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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,711	07/05/2001	Dana Corbo	356543-3	4051
26379	7590	03/09/2006		
		DLA PIPER RUDNICK GRAY CARY US, LLP	EXAMINER	
		2000 UNIVERSITY AVENUE	COBURN, CORBETT B	
		E. PALO ALTO, CA 94303-2248	ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/899,711	CORBO, DANA
	Examiner	Art Unit
	Corbett B. Coburn	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-8,10-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-8,10-24 and 26-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because of the issues noted on the Notice of Draftsperson's Patent Drawing Review contained in the previous office action. The drawings filed on 25 February 2005 do not overcome the previous objection. In fact, they appear to be the same as the drawings previously filed. **Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application.** Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will not be held in abeyance.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-8, 11-13, 22-24, 27 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports in view of Brenner et al. (US Patent Number 5,830,068).

Claims 1, 6, 11, 22, 27: Don Best Sports provides sporting event odds and information for sports books in substantially real time. The DBS2K program uses the Internet to provide real time odds and information. The program is incapable of placing bets. Don Best Sports provides a means downloading and storing to the user's computer information about occurrences in connection with odds, analyzing the information and alerting the user when a predetermined occurrence takes place in connection with the odds. (Line Move Alerts.) Don Best Sports provides a means for logging and tracking bets. (Bet Tracker) Don Best Sports offers a Line Seeker feature that provides an alert when predetermined odds on a particular game are offered by a sports book enabling the user to get the information needed automatically. It provides a means for display of this information (i.e., computer monitor). There is a means for navigating the display in order to acquire information – see DBS Premium Service sample page. This navigation means is a menu made up of various menus made up of various buttons equipped with pull down menus and, for any particular game or bet, the program is capable of visually cycling through odds from different sports books. Applicant admits that Don Best Sports allows for the display of odds to be manipulated for more efficient use.

Don Best Sports appears to use a web browser as the user interface. Use of purpose built programs as a user interface is notoriously well known in the art. Use of purpose built programs allows the author of the program to control the look and feel (i.e.,

usability and design features) of the user interface. Brenner teaches but one example of a purpose built user interface used in a sports betting environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Don Best Sports in view of Brenner to use a non-web browser user interface in order to have greater control over the look and feel and usability of the user interface.

Claims 2, 23: Don Best Sports offers a Line Seeker feature that provides an alert when predetermined odds on a particular game are offered by a sports book.

Claims 3, 24: Don Best Sports provides a Line Move Feature that provides notification when the odds offered by a sports book change by a predetermined amount within a predetermined amount of time.

Claims 28: The DBS Premium Service sample page shows a menu made up of various buttons and the buttons are equipped with pull down menus.

Claim 7: Don Best Sports Bet Tracker allows the user to enter a bet and bet amount and provides a means for determining whether the bet was won or lost.

Claim 8: Don Best Sports Bet Tracker calculates and logs winnings and losses.

Claim 12: The DBS Premium Service sample page shows the display of casino columns. These appear to be customizable in that the user can choose to display different casino columns.

Claim 13: The DBS Premium Service sample page shows horizontal and vertical scrolling bars.

4. Claims 5, 10, 21, 26, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports and Brenner as applied to claim 1, 6, 11, 22, or 27 above, and further in view of Zinda et al. (US Patent Number 6,393,437).

Claims 5, 10, 21, 26, 29: Don Best Sports and Brenner teach the invention substantially as claimed. According to Applicant's disclosure, Don Best Sports is written in Java and not in C++. Java and C++ are extremely well known equivalents. Zinda, a patent concerning web development techniques, teaches that either language may be used to develop web-based applications. (Col 4, 7-11) It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the C++ programming language instead of its well known equivalent Java in order to achieve the same functionality.

5. Claims 14-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports and Brenner as applied to claim 11 above, and further in view of the Human Factors Design Guide.

Claim 14: Don Best Sports and Brenner teach the invention substantially as claimed, but do not specifically teach a feature that turns a page every five seconds. The Human Factors Design Guide (page 8-46) states, "if automatically changing data must be read reliably and accurately, the rate of update should not be more than once per second." It would have been obvious to one of ordinary skill in the art at the time of the invention to have turned the page every five seconds in order to allow the information to be read reliably and accurately.

Claims 15 & 18: Don Best Sports and Brenner teach the invention substantially as claimed but do not specifically teach using a color-coded display. The Human Factors Design Guide (page 8-50) states that color-coding (including highlighting) should be used to direct a user's attention to something. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used color-coding or highlighting to direct the user's attention to the display of odds.

Claim 16: Don Best Sports & Brenner teaches the invention substantially as claimed but do not specifically teach moving the casino column by the click and drag method. The Human Factors Design Guide (page 8-62) teaches the click and drag method of moving windows. This allows the user to take advantage of the pointing device (mouse) to move the window. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the click and drag method to move the casino columns in order to allow the user to take advantage of the pointing hardware.

Claims 17 & 19: Don Best Sports and Brenner teach the invention substantially as claimed but do not specifically teach resizing the casino columns to a custom setting. The Human Factors Design Guide (page 8-62) teaches allowing the user to resize windows. This allows the user to make the window the size the user prefers – including abbreviating the window to allow more windows to be displayed (i.e., more columns per page). It would have been obvious to one of ordinary skill in the art at the time of the invention to have allowed the user to resize the casino columns (including abbreviating the column to allow more columns to be displayed per page), so that the user can make the windows suit the user's preferences.

Response to Arguments

6. Applicant's arguments filed 25 February 2005 have been fully considered but they are not persuasive.
7. Applicant argues that Don Best I does not provide means for downloading and storing information on odds and analyzing the downloaded information. This is impossible. If data from a remote cite is displayed on a computer, that data must be downloaded and stored (at least temporarily) on the computer.
8. Applicant has submitted a 132 Declaration. The declaration is not argued, nor is it supported by evidence.

Conclusion

9. This is an RCE of applicant's earlier Application No. 09/889,711. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

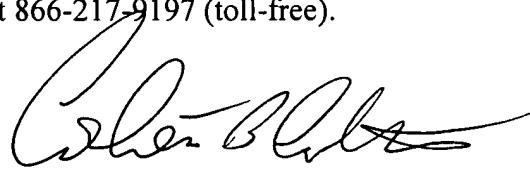
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however,

event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn
Examiner
Art Unit 3714